



Appeal Decision

Site visit made on 8 February 2022

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/V5570/W/21/3282074

Flat 3, 61 Mildmay Park, Islington, London N1 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Swann against the decision of Islington Borough Council.
 - The application Ref P2021/1295/FUL, dated 29 April 2021, was refused by notice dated 16 July 2021.
 - The development proposed is the addition of external balcony to rear of existing residential property comprised of flats to First Floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that 2 separate planning application forms have been provided by the appellant as part of the appeal. For the avoidance of doubt, I have used the details from the initial application form dated 29 April 2021 in the above banner.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the area, including whether the proposal would preserve or enhance the character or appearance of the Newington Green Conservation Area.

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Newington Green Conservation Area (the CA) attaching considerable importance and weight to that desirability. In considering the significance of the CA I have had regard to the Newington Green Conservation Area Statement (2014) (the NGCAS) and observations during my site visit.
5. The appeal property is a first floor residential flat within a 3-storey above basement mid-terraced building located in a row of substantial semi-detached villas and terraces within the CA. The CA is characterised by a mix of primarily residential, commercial, and community uses and the historic open space of Newington Green. It is relatively noisy along main roads and near the sunken railway but has a quieter character in some residential streets. The appearance of the CA is varied but is predominantly formed of 2 and 3-storey over

basement terraced buildings and semi-detached villas constructed out of yellow stock or red brick, with some render in part. These features very much define the significance of the CA as a designated heritage asset.

6. The proposal is for the addition of an external stone balcony with wrought iron balustrade to the rear of the appeal property at the first-floor level of the host building. An existing timber sash window would be replaced with a timber French door to provide access to the balcony.
7. The appellant contends that little reference is made in the NGCAS to the rear of the buildings indicating that the Council does not hold the rear façade in the same regard as the front. However, I note that paragraph 204 of the NGCAS and paragraph 5.173 of the Council's Urban Design Guide Supplementary Planning Document (2017) (the SPD) both provide clear references evidencing that the Council places importance on considering the effect of roof terrace development to the rear of buildings in the CA.
8. Whilst I appreciate that there are limited public views of the rear elevation of the appeal property the SPD (paragraph 5.173) and the NGCAS (paragraph 204) refer to the importance of private views of proposals for roof terraces in conservation areas and the CA respectively. The proposal, and its setting of the rear elevations of the host and adjacent buildings, would be visible from surrounding important private viewpoints including nearby properties and gardens.
9. The rear elevations of the host and adjacent buildings at first and second floor levels are generally uninterrupted by protrusions and unaltered in terms of the type, location, and proportions of openings. These characteristics contribute to an extent to the significance of the buildings and that of the CA. Whilst the proposal would be relatively modest in scale, its siting would introduce an incongruous protrusion which would unacceptably break the generally uninterrupted nature of the upper rear elevations of the host and adjacent buildings. The replacement of the existing sash window with a larger French door would also be out of keeping with the predominant type, styles, and proportions of openings in the upper rear elevations of the host and adjacent buildings. As a result, these changes would detrimentally affect the character and appearance, and the significance of the host building, the area, and the CA.
10. The proposal would therefore neither preserve nor enhance either the character or appearance of the CA. Overall, the effects would result in less than substantial harm to the significance of the CA as a whole.
11. Where a proposal would result in less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal, with considerable importance and weight being given to the preservation of the heritage asset. The appellant has suggested that the provision of amenity space for the occupiers of the appeal property, and overall improvements and investment in the appearance and long-term use of the building would be public benefits which would outweigh the alleged harm.
12. However, whilst I acknowledge that the provision of amenity space would improve the living conditions of the occupiers of the appeal property it would be a private benefit limited to them. I consider that the investment associated with the proposal would not improve the appearance of the building nor is it

necessary to secure its long-term use. Therefore, I find that there are no evident public benefits of the proposal that would outweigh the less than substantial harm to the significance of the CA that I have identified, and to which I attribute considerable importance and weight.

13. I acknowledge the appellant's observation that other alterations have been made to the rear of the row of buildings in which the appeal property is located and that they consider that these have diminished its character and appearance. However, I do not consider that the presence of various alterations to the buildings justifies the harm the proposal would cause. Notwithstanding this, I do not have detailed information about the other alterations and if and why they were acceptable to the Council. In any event, I have determined the appeal on its own merits in light of up-to-date legislation and planning policies.
14. I appreciate that the wrought iron balustrade design would be similar in character and appearance to existing wrought iron work to the front of other properties in the area. The use of stone for the floor of the balcony and timber for the new door would also be suitable in principle. However, the general appropriateness of the design and materiality of the proposal does not outweigh the harm that would be caused by the siting of the balcony on, and the introduction of the door in the predominantly uninterrupted and unaltered rear elevations at first and second floor levels of the host and adjacent buildings.
15. Consequently, I conclude that the development would detrimentally affect the character and appearance of the host building and the area. It would neither preserve nor enhance either the character or appearance of the CA and would result in less than substantial harm to the significance of the CA. It would therefore be contrary to Policy HC1 of The London Plan (2021), Policy CS9 of Islington's Core Strategy (2011), Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies document (2013), and the guidance set out in the NGCAS and the SPD. Taken together these, amongst other things, require that development is of a high quality and makes a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics, and that alterations to buildings in conservation areas conserve or enhance their significance.

Conclusion

16. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Richard Newsome

INSPECTOR